

AMENDED IN ASSEMBLY APRIL 26, 2012

AMENDED IN ASSEMBLY APRIL 9, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1916

Introduced by Assembly Member Buchanan

February 22, 2012

An act to add Section 5080.36.2 to the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

AB 1916, as amended, Buchanan. State parks: operating agreements: Mount Diablo State Park.

Existing law vests with the Department of Parks and Recreation control of the state park system. Existing law authorizes the department to enter into an agreement with an agency of the United States, including a city, county, district, or other public agency, or any combination thereof, for the care, maintenance, administration, and control of lands of the state park system.

This bill would authorize the department to enter into ~~an operating a~~ *restoration* agreement with Save Mount Diablo ~~(SMD)~~, a nonprofit organization, for the ~~restoration of~~ *purpose of restoring* the beacon on top of the Summit Building in Mount Diablo State Park, and would require that the agreement comply with specified requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The California state park system was created for the purposes
4 of preserving outstanding natural, scenic, and cultural values,
5 including the historic significance of units of the state park system.

6 (b) Mount Diablo State Park is one of the oldest parks in the
7 state park system. The park was created by legislation and
8 dedicated in 1921, and rededicated again in 1931, at the time the
9 park's first parcels of land were acquired.

10 (c) The annual budget for the state park system, as a whole, has
11 been inadequate to maintain the existing units of the system, and
12 the ongoing shortfall has caused a backlog of deferred maintenance
13 at the parks.

14 (d) The "Eye of Diablo" Beacon sits atop Mount Diablo. It was
15 originally installed in 1928 by Standard Oil of California on a steel
16 tower, approximately 75 feet west of its current location. The "Eye
17 of Diablo" Beacon was originally intended to serve as an aid to
18 aerial navigation. Using a remote switch from Denver, Colorado,
19 Colonel Charles Lindbergh simultaneously lit the "Eye of Diablo"
20 Beacon and a similar beacon located near Los Angeles on October
21 14, 1928.

22 (e) The Visitor's Center Building at Mount Diablo State Park
23 was constructed from 1939 to 1942, inclusive, by the Diablo
24 Conservation Corps, a part of the Civilian Conservation Corps.
25 The building was designed specifically to accommodate the beacon
26 atop the tower of the building, and the beacon was relocated to
27 that location. The beacon was turned off on December 8, 1941, on
28 the day after the attack on Pearl Harbor, in observance of the West
29 Coast blackout and in recognition of the fear of Japan's attack on
30 the United States coast. In 1964, a group of local engineers restored
31 the beacon to operating condition, and on December 7, 1964,
32 Admiral Chester W. Nimitz pressed the switch to relight the beacon
33 to commemorate the survivors of the bombing of Pearl Harbor.
34 The beacon is only lighted on December 7th (Pearl Harbor Day)
35 for this purpose.

36 (f) In 1971, Save Mount Diablo (SMD) was incorporated as a
37 nonprofit 501(c) organization, dedicated to preserving Mount
38 Diablo's peaks, and the surrounding foothills and watersheds,

1 through land acquisition and preservation strategies designed to
2 protect the mountain's natural beauty, biological diversity, and
3 historic and agricultural heritage, to enhance the area's quality of
4 life, and to provide recreational opportunities consistent with
5 protection of natural resources.

6 (g) Save Mount Diablo is a cosponsor for the annual lighting
7 of the beacon each Pearl Harbor Day.

8 (h) The annual lighting of the Mount Diablo Beacon is an
9 important reminder of a significant time in our history, and should
10 be restored and kept operational.

11 SEC. 2. Section 5080.36.2 is added to the Public Resources
12 Code, to read:

13 5080.36.2. (a) Notwithstanding any other provision of this
14 article, the department may enter into ~~an operating~~ *a restoration*
15 agreement with Save Mount Diablo ~~(SMD)~~, a nonprofit
16 organization, for the ~~restoration of~~ *purpose of restoring* the Mount
17 Diablo Beacon on top of the Summit Building in Mount Diablo
18 State Park. The agreement shall include, but is not limited to, all
19 of the following:

20 ~~(a) The Diablo Vista District Superintendent for the department~~
21 ~~shall provide or appoint a person to liaison with the department,~~
22 ~~SMD, and the public.~~

23 ~~(b) The operating~~

24 ~~(1) A requirement that the restoration agreement shall follow~~
25 ~~the United States Secretary of the Interior's Standards for the~~
26 ~~Treatment of Historic Properties guidelines and the guidelines set~~
27 ~~forth by the American Institute for Conservation of Historic and~~
28 ~~Artistic Works. The operating agreement~~

29 ~~(2) A requirement that the restoration agreement shall also~~
30 ~~comply with any applicable code of ethics or~~ *Guidelines guidelines*
31 ~~for Practice practice~~ governing the rehabilitation and preservation
32 of historical sites and buildings. All plans for the work, the work
33 in process, and the finished work shall be audited by a conservator
34 company pursuant to a contract with the company.

35 ~~(c) Save Mount Diablo shall submit a draft of the operating~~
36 ~~agreement to the Diablo Vista District Superintendent for comment,~~
37 ~~amendment, and approval. Representatives of both the department~~
38 ~~and SMD shall be signatories to the agreement.~~

39 ~~(4)~~

1 (3) All costs of the restoration of the Mount Diablo Beacon shall
2 be incurred under the authority of, and be the responsibility of,
3 ~~SMD~~ *Save Mount Diablo*.
4 ~~(d)~~
5 (b) The ~~operating~~ *restoration* agreement that the department is
6 authorized to enter into with ~~SMD~~ *Save Mount Diablo* pursuant
7 to subdivision (a) is intended to cover restoration work performed
8 primarily by volunteers. However, nothing in this section shall
9 preclude ~~SMD~~ *Save Mount Diablo* from contracting for work
10 performed by an individual or entity on a paid or for-profit basis.